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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PAUL J. SUTTON, ESQ., BARRY G. MAGIDOFF, ESQ. GREENBERG TRAURIG, LLP 200 PARK AVENUE NEW YORK, NY 10166			PHAN, JOSEPH T	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/584,581

Applicant(s)

AZRIEL ET AL.

Examiner

Joseph T. Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-34 rejected under 35 U.S.C. 102(e) as being anticipated by Bar et

a., Patent #6,122,665

Regarding claim 1, Bar teaches a pseudo four-channel recording method for use in a packet telephony system, said system including a first endpoint, second endpoint and a recording device(Fig.2), said method comprising the steps of: generating data samples on said first endpoint corresponding to a first audio signal and generating data samples on said second endpoint corresponding to a second audio signal(col.4 lines 37-62); tracking a second timestamp of data samples originating from said second endpoint that are played by said first endpoint and tracking a first timestamp of data samples originating from said first endpoint that are played by said second endpoint(Fig.2, Fig.4C, col.4 lines 37-62, and col.8 lines 49-65; can be played visually or audibly); sending a first stream of packets from said first endpoint to said recording device, said

Art Unit: 2645

first stream of packets containing data samples generated by said first endpoint, a first timestamp corresponding thereto and the second timestamp of data samples from said second endpoint played by said first endpoint at that moment in time(Fig.2, Fig.4C, col.4 lines 37-62, and col.8 lines 49-65; can be played visually or audibly);

sending a second stream of packets from said second endpoint to said recording device, said second stream of packets containing data samples generated by said second endpoint, a second timestamp corresponding thereto and the first timestamp corresponding to data samples from said first endpoint played by said second endpoint at that moment in time(col.4 lines 37-62, and col.8 lines 49-65); and recording said first stream of packets and said second stream of packets representing the signals generated and played on said first endpoint and said second endpoint, respectively (col.5 line 50-col.6 line 4 and col.8 lines 25-47).

Regarding claim 2, Bar teaches the method according to claim 1, wherein said packets comprise Real-Time Transport Protocol (RTP) packets(col.12 lines 9-20 and col.13 lines 3-16).

Regarding claim 3, Bar teaches the method according to claim 1, wherein said packet telephony system is constructed in accordance with the International Telecommunications Union (ITU) H.323 protocols(col.5 lines 56-65).

Regarding claim 4, Bar teaches the method according to claim 1, wherein said packet telephony system is constructed in accordance with the Internet Engineering Task Force (IETF) Session Initiation Protocol (SIP) (col.8 lines 5-67 and col.13 lines 3-

Art Unit: 2645

16).

Regarding claim 5, Bar teaches the method according to claim 1, further comprising the step of compressing said first stream of packets and said second stream of packets before transmitting them to said recording device(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 6, Bar teaches the method according to claim 1, farther comprising the step of decompressing said first stream of packets and said second stream of packets wherein pointer references to data samples are to uncompressed samples(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 7, Bar teaches the method according to claim 1, wherein a timestamp clock rate associated with an endpoint with is greater than or equal to a data sample clock rate(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 8, Bar teaches the method according to claim 1, wherein said first endpoint has knowledge of the sampling rate used by said second endpoint and said second endpoint has knowledge of the sampling rate used by said first endpoint and said recording device has knowledge of sampling rate used by said first endpoint and said second endpoint(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 9, Bar teaches the method according to claim 1, wherein said first timestamp and said second timestamp comprise a packet sequence number and a sample offset within said packet(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 10, Bar teaches the method according to claim 1, further comprising the step of playing back the audio generated on an endpoint utilizing the

samples conveyed in a packet stream transmitted to said recording device(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 11, Bar teaches the method according to claim 1, further comprising the step of playing back the audio played on an endpoint utilizing a combination of an indication transmitted from one endpoint and the samples transmitted from another endpoint(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 12, Bar teaches the method according to claim 1, further comprising the step of synchronizing said first packet stream and said second packet stream received by said recording device(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 13, Bar teaches a method of recording in a packet telephony system, said system including a first endpoint, second endpoint and a recording device(Fig.2), said method comprising the steps of:
generating data samples on said first endpoint corresponding to a first audio signal and generating data samples on said second endpoint corresponding to a second audio signal; tracking a second timestamp of data samples originating from said second endpoint that are played by said first endpoint and tracking a first timestamp of data samples originating from said first endpoint that are played by said second endpoint(col.8 lines 5-67 and col.13 lines 3-16);
recording a first stream of packets at said first endpoint, said first stream of packets containing data samples generated by said first endpoint, a first timestamp corresponding thereto and the second timestamp of data samples from said second endpoint played by said first endpoint at that moment in time;

Art Unit: 2645

recording a second stream of packets at said second endpoint, said second stream of packets containing data samples generated by said second endpoint, a second timestamp corresponding thereto and the first timestamp of data samples from said first endpoint played by said second endpoint at that moment in time(col.8 lines 5-67 and col.13 lines 3-16-see also claim 1 for further detail).

Regarding claim 14, Bar teaches the method according to claim 13, wherein said packets comprise Real-Time Transport Protocol (RTP) packets(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 15, Bar teaches the method according to claim 13, wherein said packet telephony system is constructed in accordance with the International Telecommunications Union (ITU) H.323 protocols(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 16, Bar teaches the method according to claim 13, wherein said packet telephony system is constructed in accordance with the Internet Engineering Task Force (IETF) Session Initiation Protocol (SP) (col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 17, Bar teaches the method according to claim 13, further comprising the step of compressing said first stream of packets and said second stream of packets before recording them(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 18, Bar teaches the method according to claim 13, further comprising the step of decompressing said first stream of packets and said second stream of packets wherein pointer references to data samples are to uncompressed

samples(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 19, Bar teaches the method according to claim 13, wherein a timestamp clock rate associated with an endpoint with is greater than or equal to a data sample clock rate(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 20, Bar teaches the method according to claim 13, wherein said first endpoint has knowledge of the sampling rate used by said second endpoint and said second endpoint has knowledge of the sampling rate used by said first endpoint(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 21, Bar teaches the method according to claim 13, wherein said first timestamp and said second timestamp comprise a packet sequence number and a sample offset within said packet(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 22, Bar teaches the method according to claim 13, further comprising the step of playing back the audio generated on an endpoint utilizing the samples conveyed in a packet stream transmitted to said recording device(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 23, Bar teaches the method according to claim 13, further comprising the step of playing back the audio played on an endpoint utilizing a combination of an indication transmitted from one endpoint and the samples transmitted from another endpoint(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 24, Bar teaches the method according to claim 13, further comprising the step of collecting and matching call records associated with said first endpoint with call records associated with said second endpoint(col.8 lines 5-67 and

col.13 lines 3-16).

Regarding claim 25, Bar teaches the method according to claim 1, further comprising the step of placing a first indication in said first stream of packets operative to specify whether a packet, several packets, several sequential samples from the same packet or several sequential samples from different packets received by said first endpoint were replayed or that a silence was played (col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 26, Bar teaches the method according to claim 1, further comprising the step of placing a second indication in said second stream of packets operative to specify whether a packet, several packets, several sequential samples from the same packet or several sequential samples from different packets received by said second endpoint were replayed or that a silence was played(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 27, Bar teaches the method according to claim 13, further comprising the step of placing a first indication in said first stream of packets operative to specify whether a packet, several packets, several sequential samples from the same packet or several sequential samples from different packets received by said first endpoint were replayed or that a silence was played (col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 28, Bar teaches the method according to claim 13, further comprising the step of placing a second indication in said second stream of packets operative to specify whether a packet, several packets, several sequential samples from

the same packet or several sequential samples from different packets received by said second endpoint were replayed or that a silence was played(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 29, Bar teaches a pseudo four-channel Internet Protocol (IP) recording apparatus for recording signals generated by a first endpoint and a second endpoint of a connection in a packet telephony system (Fig.2), comprising:

a first channel for receiving a first packet stream from said first endpoint, said first packet stream comprising data samples and associated first timestamps corresponding to a first audio signal generated by said first endpoint and a second timestamp associated with data samples generated by said second endpoint corresponding to a second audio signal, received and played back by said first endpoint;

a second channel for receiving a second packet stream from said second endpoint, said second packet stream comprising data samples and associated second timestamps. corresponding to said second audio signal generated by said second endpoint and a first timestamp associated with data samples generated by said first endpoint, corresponding to a first audio signal, received and played back by said second endpoint; and storage memory operative to store said first packet stream received over first channel and said second packet stream received over said second packet stream (col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 30, Bar teaches the method according to claim 13, wherein said packets comprise Real-Time Transport Protocol (RTP) packets(col.8 lines 5-67 and

col.13 lines 3-16).

Regarding claim 31, Bar teaches the apparatus according to claim 29, wherein said first timestamp and said second timestamp comprise a packet sequence number and a sample offset within a packet(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 32, Bar teaches the apparatus according to claim 29, further comprising the step of placing a first indication in said first stream of packets operative to specify whether a packet, several packets, several sequential samples from the same packet or several sequential samples from different packets received by said first endpoint were replayed or that a silence was played (col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 33, Bar teaches the apparatus according to claim 29, further comprising the step of placing a second indication in said second stream of packets operative to specify whether a packet, several packets, several sequential samples from the same packet or several sequential samples from different packets received by said second endpoint were replayed or that a silence was played(col.8 lines 5-67 and col.13 lines 3-16).

Regarding claim 34, Bar teaches the apparatus according to claim 29, further comprising playback means for playing back audio generated on said first endpoint and said second endpoint utilizing said first channel and said second channel data stored in said storage memory (col.8 lines 5-67 and col.13 lines 3-16).

Response to Arguments

2. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
December 9, 2005



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